

Adopted at Meeting of November 21, 1962

RESOLUTION PROVIDING FOR THE MAKING OF RELOCATION
PAYMENTS TO BUSINESS CONCERN
MASS. R-24

WHEREAS, the Boston Redevelopment Authority proposes to enter into a Temporary Loan Contract, Mass. R-24, with the Housing and Home Finance Agency, a division of the United States Government; and

WHEREAS, pursuant to Section 106 (f) of the Housing Act of 1949, as amended, and pursuant to said Temporary Loan Contract and pursuant to regulations issued by the Urban Renewal Commissioner of said Housing and Home Finance Agency, the Boston Redevelopment Authority may make relocation payments to eligible business concerns displaced by an urban renewal project.

WHEREAS, the Authority will by informational statement and other communication addressed to business concerns occupying property within the project area notify such business concerns in conformance with the provisions of this resolution: (a) of the availability of relocation payments, and (b) where the written conditions under which relocation payments will be made are available.

NOW, THEREFORE, BE IT RESOLVED by the Boston Redevelopment Authority as follows:

Section 1. The Authority hereby determines to make relocation payments to eligible business concerns, pursuant to Section 106 (f) of the Housing Act of 1949 as amended and the rules and regulations promulgated thereunder. In order to be eligible for a relocation payment, the displacement of the site occupant must:

- (1) Be from real property within the urban renewal area, on or after the effective date; and
- (2) Be made necessary by the acquisition of such real property by the Authority.

Section 2. In determining eligible relocation expense, the following words shall be construed to mean,

- (a) Property. Tangible personal property, excluding fixtures,

equipment and other property which under State or local law are considered real property, but including such items of real property as the site occupant may lawfully remove.

(b) Business Concern. A corporation, partnership, individual, or other private entity, including a nonprofit organization, engaged in some type of business, professional or institutional activity necessitating fixtures, equipment, stock in trade, or other tangible property for carrying on of the business, profession, or institution.

(c) Moving Expenses. Costs of dismantling, crating, insuring, transporting, reassembling, reconnecting, and reinstalling of personal property, merchandise, etc., exclusive of the cost of any additions, improvements, alterations, or other physical changes in or to any structure in connection with affecting such reassembly, reconnecting, or reinstallation.

(d) Actual direct losses or loss of property. Actual loss in the value of the property (exclusive of goods or other inventory kept for sale) sustained by the site occupant by reason of the disposition or abandonment of the property resulting from the site occupant's displacement from an urban renewal area. A loss resulting from damage to the property while being moved is not included.

Section 3. The Authority shall pay its proportionate share of administering the relocation program as part of an eligible project expenditure.

Section 4. The Authority reserves the right to deny a claim of an otherwise eligible business concern which has defaulted in its obligation to the Authority.

Section 5. Claims for relocation payments submitted by a business concern shall be supported by three estimates of moving expenses from reputable moving firms and, to the extent required, other contractors. In any cases where it is not feasible to obtain three estimates, the Authority shall maintain in its files a statement of reasons why a lesser number of estimates was accepted in support of the claim.

Section 6. The Authority will not pay the cost of any appraisal made to determine actual loss of property if made by or in behalf of the claimant. If the Authority expends money for such appraisal work, such expenditure shall be part of its prorata share of the project cost.

Section 7. Business concerns which are displaced by reason of acquisition for the project and which move on or after November 13, 1962 and prior to possession or taking shall not for that reason alone be ineligible for relocation payment if the property from which they were displaced was part of the project area, provided that in fact the real property vacated is not occupied by another site occupant prior to the acquisition of title to the same by the Authority or other public body unless the latter disclaims a relocation payment.

After a site occupant eligible for a relocation payment has vacated the property occupied, no relocation payment shall thereafter be made to any part with respect to the subsequent occupancy of the same property or any part thereof.

Section 8. A business concern which moves beyond one hundred miles of the boundary of the city of Boston shall not obtain a relocation payment for its moving expense in excess of the reasonable and necessary expense for moving such distance of one hundred miles.

Section 9. A relocation payment shall not be made to site occupants for the purpose of a temporary on-site move, unless such temporary on-site move was made for the convenience of the Authority. In that event, the cost of the temporary move shall be considered as a property management expense, and, therefore, eligible for inclusion as a part of gross project costs.

Section 10. If the total of the actual moving expenses incurred on or after November 13, 1962, is greater than \$3,000, the maximum relocation payment to a business concern shall not exceed the total of the actual moving expenses or \$25,000, whichever is less.

Section 11. The Authority will obtain the approval of the Housing and Home Finance Agency (HHFA) of the Federal Government before making any relocation payment in excess of \$10,000.

Section 12. A business concern shall give the Washington Park project office a minimum of 30 days but no more than 90 days' written notice of its intention to move and must permit the Authority, or its authorized representatives, to inspect the property to be moved. An exception to the requirement for timely notice will be made only if the Authority determines that there was reasonable cause for the failure of the business

concern to give the required notice, the Authority has adequately verified the facts pertaining to the move and the requested relocation payment, and HHFA has concurred in the payment.

Section 13. Disbursements which are not eligible as Relocation Payments include, but are not limited to, the following;

- (a) Disbursements made prior to the effective date.
- (b) Disbursements for any rent, for loss of goodwill or profit, or for any costs other than necessary moving expenses or actual direct losses of property.
- (c) Disbursements for expenses or losses for which reimbursement or compensation is otherwise made.
- (d) Disbursements for expenses of claimant in preparing and supporting its claim.
- (e) Loss resulting from damage to the property while being moved.

Section 14. Any business concern seeking relocation payments shall file a written claim for same on form H-6140 (attached hereto) furnished by the Authority at the Site Office. All such papers and related evidence shall become the permanent records of the Authority.

Section 15. A claim for relocation payment shall be submitted to the Authority within a period of six months after the moving expenses are incurred or direct losses of property are suffered.

Section 16. All claims shall be approved by the Washington Park Business Relocation Officer.

AMENDMENT NO. 1

BE IT FURTHER RESOLVED that an informational statement be furnished to site occupants, indicating:

- (a) the availability of relocation payments: and
- (b) that the written conditions under which relocation payments will be made are available for inspection in the Authority's office in Washington Park.

AMENDMENT NO. 1
Adopted at Meeting of May 22, 1963

VOTED: to amend the Business Relocation Payment Policies for the Government Center, South End and Washington Park Projects by authorizing the signature of John Langley, Supervisor of Business Relocation Claims pro tem until a successor to Charles B. Akerson, Business Relocation Officer, is appointed.